



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John B. Howard
Title: COMBINATION BIOMETRIC
AND/OR MAGNETIC SENSING
FUNCTIONALITIES AND/OR
GPS WITH RADIO FREQUENCY
TRANSPONDER
FUNCTIONALITY ON AN
INTELLIGENT LABEL

Appl. No.: 10/633,302
Filing Date: 08/04/2003
Examiner: Phan, Dao Linda
Art Unit: 3662

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Delaware Capital Formation, Inc., having its principal place of business at 1403 Foulk Road, Suite 102, Wilmington, DE 19803, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No.

10/633,302, filed 08/04/2003, which is a continuation-in-part of U.S. Patent Application No. 10/005,187, filed 12/07/2001 (now U.S. Patent No. 6,614,392), by virtue of an Assignment filed and recorded on 11/17/2003, on Reel/Frame 014712/0201, in the United States Patent and Trademark Office, proof of which is provided by way of information obtained from the PTO PAIR System and which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,614,392, which issued on U.S. Patent Application No. 10/005,187, filed December 7, 2001, by virtue of an Assignment filed and recorded on 03/05/2002, on Reel/Frame 012627/0832, in the United States Patent and

02 FC:1814

130.00 0P

Trademark Office, proof of which is provided by way of information obtained from the PTO PAIR System and which is attached hereto as APPENDIX B.

Subject to the limitations below, your Petitioner, Delaware Capital Formation, Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,614,392, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,614,392 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,614,392 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,614,392 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,614,392 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,614,392, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and Petitioner does not disclaim any term extension under 35 USC §154 for the patent granted on the above identified patent application.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed

the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,614,392 rests with Petitioners, Delaware Capital Formation, Inc.. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 3/9/05

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874

BEST AVAILABLE COPY

APPENDIX A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

PATENT APPLICATION INFORMATION RETRIEVAL



Patent Assignment Abstract of Title

PAIR

FAQ

Help

Feedback

Other Links

E-Business
Center PatentsEmployee
LocatorClass/Subclass
GAU InformationInformation
Contacts

Total Assignments: 1

Application #: 10633302 Filing Dt: 08/04/2003

Patent #: NONE

Issue Dt:

PCT #: NONE

Publication #: US20040061324 Pub Dt: 04/01/2004

Inventor: John B. Howard

Title: Combination biometric and/or magnetic sensing functionalities and/or GPS with radio frequency transponder functionality on an intelligent label

Assignment: 1

Reel/Frame: 014712/0201 Received:
11/20/2003Recorded:
11/17/2003Mailed:
06/10/2004Pages:
3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: HOWARD, JOHN B.

Exec Dt: 11/11/2003

Assignee: DELAWARE CAPITAL FORMATION INC.
1403 FOULK ROAD, SUITE 102
WILMINGTON, DELAWARE 19803Correspondent: FOLEY & LARDNER
WILLIAM T. ELLIS
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007-5143

Search Results as of: 3/9/2005 11:45:54 A.M.

Disclaimer:

Assignment information on the assignment database reflects assignment documents that have been actually recorded.

If the assignment for a patent was not recorded, the name of the assignee on the patent application publication or patent may be different.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723

[|.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

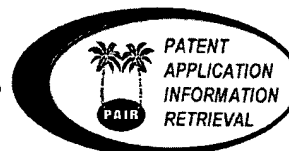


United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

APPENDIX B

PATENT APPLICATION INFORMATION RETRIEVAL



Patent Assignment Abstract of Title

PAIR

FAQ

Help

Feedback

Total Assignments: 1

Application #: 10005187 Filing Dt: 12/07/2001

Patent #: 6614392

Issue Dt: 09/02/2003

PCT #: NONE

Publication #: US20030107515

Pub Dt: 06/12/2003

Inventor: John Howard

Title: COMBINATION RFID AND GPS FUNCTIONALITY ON INTELLIGENT LABEL

Assignment: 1

Reel/Frame: 012627/0832 Received:
03/07/2002Recorded:
03/05/2002Mailed:
04/26/2002Pages:
3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: HOWARD, JOHN B.

Exec Dt: 02/12/2002

Assignee: DELAWARE CAPITAL FORMATION, INC.
1403 FOULK ROAD, SUITE 102
WILMINGTON, DELAWARE 19803Correspondent: FOLEY & LARDNER
WILLIAM T. ELLIS
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007-5143

Other Links

E-Business
Center PatentsEmployee
LocatorClass/Subclass
GAU InformationInformation
Contacts

Search Results as of: 3/9/2005 11:41:42 A.M.

Disclaimer:

Assignment information on the assignment database reflects assignment documents that have been actually recorded.

If the assignment for a patent was not recorded, the name of the assignee on the patent application publication or patent may be different.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723

[|.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)